REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-20 are now pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5, 6, 8-13, 15, and 17-20

In Section 1 of the Office Action, Claims 1-3, 5, 6, 8-13, 15 and 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,225,546 (Kraft et al.). Applicant respectfully traverses the rejection. Applicant reserves the right to swear behind Kraft et al.

First, Kraft et al. fail to disclose or suggest establishing "anchor points," as recited in Applicant's independent claims. For example, Claim 1 recites:

> establishing one or more anchor points in the recorded signal, the
> anchor point being indicative of a beginning point for a period of
> recurring events in the recorded signal;

The Examiner's position is that this element is anticipated because Col. 2, lines 30-36 of Kraft et al. states:

> A detection engine utilizes algorithms that model melody
> recognition and music summarization problems as various string
> processing problems and efficiently processes the problems. The
> inventive technique recognizes maximal length segments that have
> non-trivial repetitions in each track of the Musical Instrument
> Design Interface (MIDI) format of the musical piece.

However, nothing in this section of Kraft et al. describes or even suggests establishing "anchor points," as required by independent claims 1 and 11, and their independent claims. For anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention. MPEP 706.02. Thus, the rejection cannot be properly maintained.

The section referred to by the Examiner does mention "maximal length segments." <u>Kraft et al.</u> describe "segments" as "basic units of a music composition, and are the candidates for the melody in a music piece." (Col. 2, lines 37-38.) While such segments may have a beginning and an end, there is no discussion or suggestion by <u>Kraft et al.</u> that "anchor points" are established to indicate a beginning point in these segments. In contrast, <u>Kraft et al.</u> teach that segments of "non-trivial repetitions in each track" are recognized by the "hierarchical representation of the components" of the segments. (Col. 2, lines 54-55.) Again, there is no discussion or suggestion in <u>Kraft et al.</u> of establishing "anchor points" as recited in Applicant's independent claims.

Second, <u>Kraft et al.</u> fail to disclose or suggest either "refining the length" for a period of recurring events or "comparing the first loop with subsequent loops" as recited in Applicant's independent claims. Applicant's claim 1 recites, for example:

> refining the length for the period of recurring events by comparing
> the first loop with subsequent loops, the subsequent loops having
> the length of the first loop.

The Examiner argues that <u>Kraft et al.</u> anticipates these claim limitations because Col. 8, lines 1-7 state:

> The present invention utilizes beat and notes components to detect
> variations on the primitive components, e.g., the notes. A first
> technique, utilized by part component builder 206 is to recognize
> variation based on the duration of notes. Notes are primitive
> components and belong to a measure. One of their attributes is
> duration. Duration is measured using a tuple expression (e.g. ¼,
> ½, etc.).

Nothing in this section of <u>Kraft et al.</u> describes or even suggests "refining the length" or "comparing the first loop with subsequent loops," as required by independent claims 1 and 11, and their dependent claims. This section only states that "a first technique" is used "to recognize variation based on the duration of notes." There is no comparison or refining discussed or suggested.

Similarly, independent claim 18 and its dependent claims require comparing loops and adjusting the length of a loop based on this comparison. Nothing in <u>Kraft et al.</u> describes or suggests a device that "adjust[s] the length for the loop by comparing the loop with subsequent loops," as specifically recited by independent claim 18.

Applicant respectfully requests withdrawal of the rejection of claims 1-3, 5, 6, 8-13, 15, and 17-20 based on <u>Kraft et al.</u> for at least the reasons discussed above.

Rejections Under 35 U.S.C. § 103

Claims 4, 7 and 14

In Section 18 of the Office Action, Claims 4, 7 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Kraft et al.</u>. Applicant respectfully traverses the rejection.

As discussed with respect to the rejection under 35 U.S.C. 102, the Examiner has not shown that <u>Kraft et al.</u> describes "establishing one or more anchor points in the recoded signal," or "refining the length," or "comparing the first loop with subsequent loops," as required by independent claims 1 and 11. The Examiner's 35 U.S.C. 103 rejection of dependent claims 4, 7, and 14 does not show how the reference teachings are modified to meet these claim limitations, as required per MPEP 706.02. Thus, the rejection cannot be properly maintained for at least these reasons.

Applicant respectfully requests withdrawal of the rejection of claims 4, 7, and 14 based on <u>Kraft et al.</u>

Claim 16

In Section 22 of the Office Action, Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Kraft et al.</u>, and further in view of U.S. Patent No. 5,734,731 (<u>Marx</u>). Applicants respectfully traverse the rejection.

As discussed with respect to the rejection under 35 U.S.C. 102, the Examiner has not shown that Kraft et al. describes "establishing one or more anchor points in the recoded signal," or "refining the length," or "comparing the first loop with subsequent loops," as required by independent claim 11. Marx does not disclose or suggest these missing elements. Therefore, dependent claim 16 rejection cannot be properly maintained because the rejection does not show how the reference teachings are modified to meet the claim limitations.

Applicant respectfully requests withdrawal of the rejection of claim 16 based on Kraft et al. and Marx.

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.
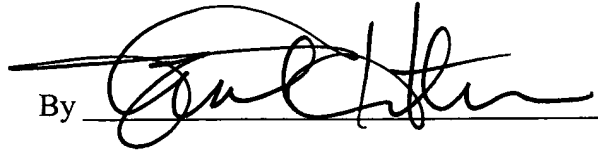
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By _____

Date <u>August 3, 2005</u>

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